

Order

Michigan Supreme Court
Lansing, Michigan

November 8, 2005

Clifford W. Taylor,
Chief Justice

ADM File No. 2004-55

Michael F. Cavanagh
Elizabeth A. Weaver
Marilyn Kelly
Maura D. Corrigan
Robert P. Young, Jr.
Stephen J. Markman,
Justices

Amendment of Rule 3.211
of the Michigan Court Rules
(Judgments and Orders)

On order of the Court, notice of the proposed changes and an opportunity for comment in writing and at a public hearing having been provided, and consideration having been given to the comments received, the following amendment of Rule 3.211 of the Michigan Court Rules is adopted, effective January 1, 2006. Prosecuting attorneys and friends of the court who are required by federal law to use the Michigan Child Support Enforcement System to produce all documents concerning child support are not required to produce any document that is not available from the Michigan Child Support Enforcement System until the system can produce the document or until January 1, 2007, whichever is earlier.

[Additions are indicated in underlining and deletions in overstriking]

Rule 3.211 Judgments and Orders

(A)-(B)[Unchanged.]

(C) A judgment or order awarding custody of a minor must provide that

- (1) the domicile or residence of the minor may not be moved from Michigan without the approval of the judge who awarded custody or the judge's successor, ~~and~~
- (2) the person awarded custody must promptly notify the friend of the court in writing when the minor is moved to another address, and
- (3) a parent whose custody or parenting time of a child is governed by the order shall not change the legal residence of the child except in compliance with section 11 of the Child Custody Act, MCL 722.31.

(D) Uniform Support Orders [Current text deleted.]

- (1) Any provisions regarding child support or spousal support must be prepared on the latest version of the Uniform Support Order drafted by the state court administrative office and approved by the Supreme Court. This order must accompany any judgment or order affecting child support or spousal support, and both documents must be signed by the judge. If only child support or spousal support is ordered, then only the Uniform Support Order must be submitted to the court for entry. The Uniform Support Order shall govern if the terms of the judgment or order conflict with the Uniform Support Order.
- (2) No judgment or order concerning a minor or a spouse shall be entered unless either:
 - (a) the final judgment or order incorporates by reference a Uniform Support Order, or
 - (b) the final judgment or order states that no Uniform Support Order is required because support is reserved or spousal support is not ordered.
- (3) The clerk shall charge a single judgment entry fee when a Uniform Support Order is submitted for entry along with a judgment or order that incorporates it by reference.

~~(E)~~ [Deleted.]

~~(F)~~(E) [Relettered but otherwise unchanged.]

~~(G)~~(F) Entry of Judgment or Order

- (1) Within 21 days after the court renders an opinion or the settlement agreement is placed on the record, the moving party must submit a judgment, order, or a motion to settle the judgment or order, unless the court has granted an extension.
- (2) The party submitting the first temporary order awarding child custody, parenting time, or support and the party submitting any final proposed judgment awarding child custody, parenting time, or support must:
 - (a) serve the friend of the court office and, unless the court orders otherwise, all other parties, with a completed copy of the latest version of the state court administrative office's domestic relations Judgment Information Form, and

- (b) file a proof of service certifying that the Judgment Information Form has been provided to the friend of the court office and, unless the court orders otherwise, to all other parties.
- (3) If the court modifies the proposed judgment or order before signing it, the party submitting the judgment or order must, within 7 days, submit a new Judgment Information Form if any of the information previously submitted changes as a result of the modification.
- (4) Before it signs a judgment or order awarding child support or spousal support, the court must determine that:
 - (a) the party submitting the judgment or order has certified that the Judgment Information Form in subrule (F)(2) has been submitted to the friend of the court, and
 - (b) pursuant to subrule (D)(2) any judgment or order concerning a minor or a spouse is accompanied by a Uniform Support Order or explains why a Uniform Support Order is unnecessary.
- (5) The Judgment Information Form must be filed in addition to the verified statement that is required by MCR 3.206.

~~(H)~~(G)[Relettered but otherwise unchanged.]

~~(H)~~(H) [Relettered but otherwise unchanged.]

Staff Comment: In subrule (D), the amendment effective January 1, 2006, requires that all support orders be entered on a standard form drafted by the state court administrative office. The Supreme Court shall review and approve any changes made to the Uniform Support Order by the state court administrative office because of changes in state or federal law.

In relettered subrule (F), the 2005 amendment allows personal information concerning a party to be provided to the friend of the court in a document separate from the court order, which is a public document.

The staff comment is not an authoritative construction by the Court.



I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

November 8, 2005

Corbin R. Davis

Clerk